

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, April 20, 2010, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding
Alderman Valerie Joh
Vice-Mayor Benjamin K. Mallicote
Alderman Charles K. Marsh, Jr.

Alderman Larry A. Munsey
Alderman Tom C. Parham
Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager
J. Michael Billingsley, City Attorney
James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Led by Kurt Sutton as Mark Twain. As Mark Twain, Mr. Sutton also invited all to attend the *Big Read* events being held during this month of *Tom Foolery* in the City of Kingsport.
- II.B. **INVOCATION:** By Retired Minister Jack Edwards of the United Methodist Church.
- III. **ROLL CALL:** By City Recorder Jim Demming.
- IV. **RECOGNITIONS AND PRESENTATIONS.**

A. **KEEP KINGSFORT BEAUTIFUL POSTER CONTEST WINNERS.** Mayor Phillips announced that Kingsport City Schools has been celebrating school environmental week and many students attending this meeting are environmental poster contest winners. Ms. Leslie Stevens of Keep Kingsport Beautiful announced the names of and congratulated the student artists whose posters conveyed the theme message of *Reduce, Reuse, Recycle for Our Planet's Health*. Ms. Stevens added that the poster contest was sponsored by AEP (American Electric Power) and the 35 winning posters will be on display at the Kingsport Town Center during the month of April. Mayor Phillips and "Mark Twain" presented poster awards and Golden Corral certificates.

V. **APPROVAL OF MINUTES.**

Motion/Second: Munsey/Parham, to approve minutes, as amended, for the following meetings:

- A. April 5, 2010 Regular Work Session
- B. April 6, 2010 Regular Business Meeting

Approved: All present voting "aye."

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VI. COMMUNITY INTEREST ITEMS.

AA. PUBLIC HEARINGS.

1. Public Hearing and Consideration of Ordinance to Approve Amending the Zoning Text to Promote the City's Watershed Protection Program (AF: 98-2010). Planning Director Alan Webb explained the need for amending the zoning regulations to determine building setback restrictions in areas affected by the City's Watershed Protection Program.

Motion/Second: Parham/Munsey, to pass:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 114-9; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

PUBLIC COMMENT ON ITEM VI.AA.1. None.

2. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Rock Springs North Area 1 Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 86-2010).

Motion/Second: Shupe/Joh, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 13TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE ROCK SPRINGS NORTH AREA 1 ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Joh/Shupe, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG ROCK SPRINGS ROAD TO R-3, RESIDENTIAL DISTRICT IN THE 13TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Shupe/Joh, to pass:

Resolution No. 2010-198, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE ROCK SPRINGS NORTH AREA 1 ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

PUBLIC COMMENT ON ITEM VI.AA.2. None.

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**3. Public Hearing and Consideration of Ordinances to
Annex/Amend Zoning of the Lebanon Road Annexation and Consideration of a
Resolution Adopting the Plan of Services (AF: 87-2010).**

Motion/Second: Parham/Munsey, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE LEBANON ROAD ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Joh/Parham, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG LEBANON ROAD TO R-3, RESIDENTIAL DISTRICT, R-1B, RESIDENTIAL DISTRICT, AND B-3, COMMERCIAL DISTRICT IN THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2010-199, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE LEBANON ROAD ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

PUBLIC COMMENT ON ITEM VI.AA.3. None.

City Manager Campbell, at Alderman Munsey's request, explained that the moratorium on annexation in the Colonial Heights area expired in January 2010.

Alderman Marsh reiterated a point made earlier that City staff has been directed to annex areas already being served by City water and sewer services, does not require a large capital investment and lies within the Urban Growth Boundary.

A. PUBLIC COMMENT. Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

B. BUSINESS MATTERS REQUIRING FIRST READING.

**1. Consideration of an Ordinance to Appropriate Cultural Arts
Funding Received from Donations, Ticket Sales and Grants (AF: 97-2010).**

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Motion/Second: Joh/Shupe, to pass:

AN ORDINANCE TO AMEND THE GENERAL FUND AND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGETS BY APPROPRIATING FUNDS RECEIVED FROM GRANTS, TICKET SALES AND DONATIONS FOR THE CULTURAL ARTS DIVISION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

2. Consideration of an Ordinance Adopting a Language Assistance Policy and Consideration of a Resolution Approving Access by City Departments to the State of Tennessee's Contract with Worldwide Interpreters for Phone-based Language Interpretation Service (AF: 103-2010). Several Board members expressed opposition to being required to pass this action but did so based on City Attorney Billingsley's explanation that the consequence of not passing would result in non-compliance with Title VI to which the City has contractually agreed in a variety of grants obtained through state and federal agencies, including all transportation funding. He further explained that the service has not often been needed and, in all likelihood, would not be used frequently in the future.

Motion/Second: Parham/Joh, to pass:

AN ORDINANCE ADOPTING A LANGUAGE ASSISTANCE POLICY FOR THE CITY OF KINGSFORT; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye," except Marsh voting "nay."

Motion/Second: Munsey/Parham, to pass:

Resolution No. 2010-200, A RESOLUTION APPROVING ACCESS BY CITY DEPARTMENTS TO THE STATE OF TENNESSEE'S CONTRACT WITH WORLDWIDE INTERPRETERS FOR PHONE-BASED LANGUAGE INTERPRETATION SERVICE

Passed: All present voting "aye," except Marsh voting "nay."

3. Consideration of an Ordinance to Amend the FY10 General Purpose School Fund and the General Project Fund Budgets (AF: 100-2010). Alderman Marsh stated that the money being allocated on the projects involved in this action are not and will not be impacted by the upcoming FY2011 budget process.

Motion/Second: Joh/Munsey, to pass:

AN ORDINANCE TO AMEND THE GENERAL PURPOSE SCHOOL FUND AND THE GENERAL PROJECT FUND BUDGETS; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

4. Consideration of an Ordinance Authorizing the Designated Alderman to Dispose of City-Owned Real Property Located on Heather Lane (AF: 114-2010). At City Attorney Billingsley's prompting, Alderman Joh moved, seconded by Alderman Parham, to amend the proposed form of ordinance by deleting all the words in Section III following "the purchase price of \$300," which language was erroneously included.

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Motion/Second: Shupe/Parham, to pass:

AN ORDINANCE AUTHORIZING THE DESIGNATED ALDERMAN TO DISPOSE OF REAL PROPERTY LOCATED ON HEATHER LANE, SITUATED IN KINGSPORT, SULLIVAN COUNTY, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

5. Consideration of a Resolution to Authorize the Mayor to Execute a Contract with Workspace Interiors for Phase I of Procuring Furniture, Fixtures and Equipment for the Meadowview Executive Conference Center Project and Consideration of an Ordinance to Appropriate Funds (AF: 105-2010).

Motion/Second: Munsey/Joh, to pass:

Resolution No. 2010-201, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH WORKSPACE INTERIORS, INC. FOR PHASE I OF PROCURING FURNITURE, FIXTURES AND EQUIPMENT FOR THE MEADOWVIEW EXECUTIVE CONFERENCE CENTER

Passed: All present voting "aye."

Motion/Second: Munsey/Joh, to pass:

AN ORDINANCE TO AMEND THE REGIONAL SALES TAX FUND BUDGET BY APPROPRIATING FUNDS TO THE MEADOWVIEW EXPANSION PROJECT FOR THE FISCAL YEAR ENDING JUNE 30, 2010; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION. NONE.

D. OTHER BUSINESS.

1. Consideration of a Resolution Authorizing the Issuance of a Purchase Order for a School Bus to Russell Barnett Chevrolet (AF: 104-2010).

Motion/Second: Parham/Munsey, to pass:

Resolution No. 2010-202, A RESOLUTION AWARDED THE BID FOR PURCHASE OF A SCHOOL BUS TO RUSSELL BARNETT CHEVROLET AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

2. Consideration of a Resolution Authorizing the Mayor to Execute a Contract with Downtown Kingsport Association for the Repainting and Refinishing of the "History Mural" in Downtown Kingsport (AF: 102-2010).

Motion/Second: Joh/Parham, to pass:

Resolution No. 2010-203, A RESOLUTION APPROVING AN AGREEMENT WITH DOWNTOWN KINGSPORT ASSOCIATION FOR THE REPAINTING AND

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REFINISHING OF THE HISTORY MURAL IN DOWNTOWN KINGSFORT AND
AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS
NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

**3. Consideration of a Resolution Authorizing the Mayor to Enter
into an Agreement between the City of Kingsport and the Lynn Garden Optimist
Club (AF: 107-2010).**

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2010-204, A RESOLUTION AUTHORIZING THE MAYOR TO ENTER
INTO AGREEMENTS WITH THE LYNN GARDEN OPTIMIST CLUB RELATED TO
THE USE OF THE ATHLETIC FIELDS AND CONCESSION STAND OPERATIONS AT
THE LYNN VIEW SITE.

Passed: All present voting "aye."

**4. Consideration of a Resolution Authorizing the Mayor to Sign All
Applicable Documents to Enter into a Contract between the City of Kingsport and
the Tennessee Department of Transportation (TDOT) for Fordtown Road
Waterline Relocation Project (AF: 101-2010).** Public Works Director Ryan
McReynolds explained TDOT's connection with this long-standing project comes out of
the City's MPO (Metropolitan Planning Organization) involvement. Alderman Marsh
commented that it appears that \$500,000 project will cost citizens around \$10 each, just
for water, because of the federal government's involvement and requirements.

Board and staff comments followed about the duration of the project which began in
1990, whether the project was still a viable one—City Manager Campbell explained that
the City has a commitment to complete this project as a result of the interchange project
and now is coming up against a timeframe to do so, and the savings that probably
would have incurred if the City had paid for it without federal government "assistance."

Assistant City Manager of Economic Development Jeff Fleming provided details on the
original scope of the project and the City and Sullivan County involvement. He further
opined that he believes the resulting re-alignment of Fordtown Road will best recruit and
accommodate future development in that area.

Motion/Second: Munsey/Parham, to pass:

Resolution No. 2010-205, A RESOLUTION AUTHORIZING THE MAYOR TO
EXECUTE AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF
TRANSPORTATION FOR THE FORDTOWN ROAD WATERLINE RELOCATION
PROJECT AND ANY OTHER DOCUMENTS NECESSARY AND PROPER TO
EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

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5. Consideration of a Resolution Authorizing the Mayor to Execute a Contract between the City of Kingsport and the Tennessee Department of Transportation for Maintenance Activities Performed on Designated State Highways and for Mowing and Litter on J.B. Dennis (AF: 108-2010).

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2010-206, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR FISCAL YEAR 2011 BETWEEN THE CITY OF KINGSFORT AND THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION FOR REIMBURSEMENT OF MAINTENANCE ACTIVITIES PERFORMED ON DESIGNATED STATE HIGHWAY ROUTES LOCATED INSIDE KINGSFORT CITY LIMITS

Passed: All present voting "aye."

6. Consideration of a Resolution Awarding the Bid for Water Plant Residuals Improvements to Haren Construction Company and Authorizing the Mayor to Sign All Applicable Documents (AF: 110-2010).

Motion/Second: Munsey/Shupe, to pass:

Resolution No. 2010-207, A RESOLUTION AWARDING THE BID FOR CERTAIN WATER PLANT IMPROVEMENTS TO HAREN CONSTRUCTION COMPANY AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR THE SAME AND ALL APPLICABLE DOCUMENTS

Passed: All present voting "aye."

7. Consideration of a Resolution Authorizing the Mayor to Execute a Lease Agreement with the Kingsport Farmers Market for Use of a Portion of Property on the Quebecor/Kingsport Press Property in Downtown Kingsport (AF: 99-2010).

Motion/Second: Joh/Parham, to pass:

Resolution No. 2010-208, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF KINGSFORT AND THE TRICITIES FARMERS' ASSOCIATION FOR A FARMER'S MARKET ON THE OLD KINGSFORT PRESS BUILDING CENTER STREET PARKING/PAVED LOT PROPERTY

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS.

1. Consideration of a Reappointment to the Kingsport Public Library Commission (AF: 67-2010).

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Motion/Second: Shupe/Joh, to approve the following:

REAPPOINTMENT OF MR. PARKER SMITH TO SERVE ANOTHER THREE-YEAR TERM ON THE **KINGSPORT PUBLIC LIBRARY COMMISSION**, EFFECTIVE MAY 1, 2010, AND EXPIRING APRIL 30, 2013

Passed: All present voting "aye."

2. Consideration of an Appointment to the Visitor Enhancement Program (VEP) Advisory Board (AF: 106-2010).

Motion/Second: Shupe/Joh, to approve the following:

APPOINTMENT OF MR. STEVE LAHAIR TO SERVE ON THE **VISITORS ENHANCEMENT PROGRAM (VEP) ADVISORY BOARD**, EFFECTIVE IMMEDIATELY

Passed: All present voting "aye."

VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

Motion/Second: Joh/Parham, to adopt:

1. Consideration of a Budget Ordinance to Amend the MPO Fund by Transferring Funds from the Netherland Inn Road Stimulus Project to the Riverport Road Stimulus Project (AF: 89-2010).

Adopt:

Ordinance No. 5952, AN ORDINANCE TO AMEND THE METROPOLITAN PLANNING ORGANIZATION PROJECT FUND BUDGET BY TRANSFERRING FUNDS TO COMPLETE THE PROJECTS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

2. Consideration of a Budget Ordinance to Amend the General Project Fund Budgets by Transferring Funds from the Bays Mountain Gate House Project and from the Bays Mountain Commission Fund (AF: 90-2010).

Adopt:

Ordinance No. 5953, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGETS BY TRANSFERRING FUNDS FROM THE BAYS MOUNTAIN GATE HOUSE PROJECT AND FROM THE BAYS MOUNTAIN COMMISSION FUND FOR THE FISCAL YEAR ENDING JUNE 30, 2010 ; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

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3. Consideration of a Budget Ordinance to Appropriate Grant Funds Received from the Tennessee Parks and Greenways Foundation (AF: 96-2010).

Adopt:

Ordinance No. 5954, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY APPROPRIATING FUNDS FROM THE BAYS MOUNTAIN COMMISSION FUND AND FROM THE TENNESSEE PARKS AND GREENWAYS FOUNDATION GRANT FOR THE FISCAL YEAR ENDING JUNE 30, 2010; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

4. Consideration of an Approval of Offers for Easements and Rights-of-Way for the Deere Property Fiber Optic Line Relocation Project (AF: 113-2010).

Approve:

OFFERS FOR EASEMENTS AND RIGHTS-OF-WAY FOR THE DEERE PROPERTY FIBER OPTIC LINE RELOCATION PROJECT

Passed in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

VIII. COMMUNICATIONS.

Mayor Phillips offered condolences to Alderman Joh on the recent loss of her husband, Gale, who was a regular attendee at all BMA meeting and who will be greatly missed.

A. MAYOR AND BOARD MEMBERS. Vice Mayor Mallicote announced that the Downtown Summer Concert series are about to start again, with the first Friday night bluegrass concert on May 14th and the Thursday night concerts will actually begin on Saturday, May 22nd with the Air Force Jazz Band. He thanked the KCVB (Kingsport Convention and Visitors Bureau) who is coordinating the entertainment and Eastman Credit Union who is the primary sponsor for the third year.

Mayor Phillips reminded the audience that this Saturday, April 24th, is the Day of Service organized by the Church of Jesus Christ of Latter Day Saints who will have over 100 volunteers to tackle clean-up and maintenance projects at Warriors Path State Park and assisting in the revitalization of the old Lynn Garden Middle School. He mentioned that, also taking place in Kingsport this Saturday, are the Elks Convention and Habitat for Humanity's 50th anniversary celebration.

He announced the Mayor's Prayer Breakfast will take place on the National Day of Prayer, May 6th, at the Civic Auditorium. Tickets are \$5 each and the event is being sponsored and costs subsidized by local churches. The event will include breakfast

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catered by Pratt's, musical entertainment the ETSU Bluegrass Band and Kingsport's own, Carla Karst, along with keynote speaker, Dane Bradshaw, former University of Tennessee basketball player.

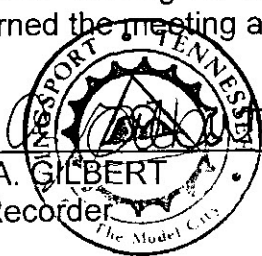
In response to recent newspaper articles and public concern, the Mayor stated that the City is not taking over either Sullivan South or Sullivan North High Schools in the near future. He explained that the Kingsport City Schools Board of Education has been in discussion with the Sullivan County School Board to consider various options on how to provide the best educational opportunities for all county students and he commended the two school systems for working together to do so.


B. CITY MANAGER. City Manager Campbell further explained, regarding the education issue, that the school study consisted of a joint County-City committee, with equal representation, that looked at a number of reports and are considering at least five different options. He added that this is very important situation and is glad to see the County and City work together to resolve issues in the students' best interests.

C. VISITORS. None.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:45 p.m.


ELIZABETH A. GILBERT
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor